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17
18 IN THE UNITED STATES DISTRICT COURT
19 FOR THE CENTRAL DISTRICT OF CALIFORNIA

20 CITY OF LOS ANGELES,
21 Plaintiff,
22 v.
23 WILLIAM P. BARR, Attorney
24 General of the United States, *et al.*,
25 Defendants.

26 No. 2:18-cv-07347-R-JC
27 **DEFENDANTS' RESPONSE TO**
28 **PLAINTIFF'S NOTICE OF**
SUPPLEMENTAL AUTHORITY
Judge: The Hon. R. Gary Klausner

1 In response to the Plaintiff's Notice of Supplemental Authority (ECF No. 95),
2 Defendants state as follows:

3 The Defendants are still entitled to summary judgment on all claims regarding
4 the Gang Suppression Grant program. The Defendants' leading argument – that the
5 challenged conditions in the program are authorized by an appropriations act, Pub.
6 L. No. 115-141, 132 Stat. 348, 422-23 (relevant portion attached as Exhibit A) –
7 remains undisturbed by the recent decision in *City of Los Angeles v. Barr*, No. 18-
8 56292, 2019 WL 5608846 (9th Cir. Oct. 31, 2019). In that case, the court passed on
9 the role of 34 U.S.C. § 10102(a)(6) in a *formula* Byrne JAG grant program subject to
10 detailed statutory provisions established by Congress.

11 The Byrne JAG program's statutory framework is fundamentally different
12 from the Gang Suppression Grant program, which results from (and is authorized
13 under) a line-item, lump-sum congressional appropriation. That appropriation
14 contains the limit of all statutory restrictions upon the Department's discretion in this
15 matter, and the case law is clear that the Department's discretion to administer this
16 program is at its zenith. The Department's Gang Suppression Grant program easily
17 satisfies the requirements of Pub. L. No. 115-141 (including the three relevant
18 statutory provisions incorporated by reference). This is ample authority for the
19 program, and the court need not reach Section 10102(a)(6) to rule in favor of the
20 Defendants.

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1 Respectfully submitted,

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